IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 31078 of 2006(Y)

PETITIONER:

---

1. K.K. JAYAPRAKASH, S/O.KESAVAN,
KANDATHIL HOUSE, THALAYOLAPARAMBU,
VAIKOM, DIST.KOTTAYAM.

2. T.P. CHANDINI, W/O.K.K. JAYAPRAKASH,
KANDATHIL HOUSE, THALAYOLAPARAMBU,
VAIKOM, DIST.KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

---

1. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, KOTTAYAM.

2. THE REVENUE DIVISIONAL OFFICER (RDO),
PALA, DIST.KOTTAYAM.

3. THE CIRCLE INSPECTOR OF POLICE,
VAIKOM CIRCLE, VAIKOM, DIST.KOTTAYAM.

4. THE STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY TO GOVT.,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

5. LAKSHMIKUTTY AMMA,
W/O.PRABHAKARAN NAIR, RAMAKRISHNA VILASAM,
POTTENCHIRA, VADSAYAR VILLAGE,
THALAYOLAPARAMBU P.O., VAIKOM,
DIST.KOTTAYAM.

6. VIJAYAKUMAR, S/O.LAKSHMIKUTTY AMMA,
RAMAKRISHNAVILASAM, POTTENCHIRA,
VADAYAR VILLAGE, THALAYOLAPARAMBU P.O.,
VAIKOM, DIST.KOTTAYAM.

7. SOBHA KUNJAPPAN, D/O.DAMODARAN,
PRAKASH BHAVAN, PALAMKADAVU,
THALAYOLAPARAMBU P.O., VAIKOM,
DIST.KOTTAYAM.

8. JOHN. V.M., VALYANAM KANDATHIL,
MEVELLOOR P.O., VELLOOR VILLAGE,
VAIKOM TALUK, DIST.KOTTAYAM.

BY G.P. SRI.P.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 LAND TAX RECEIPT DT 1.11.06.

P2 PETITION DT 21.8.06 SUBMITTED BEFORE R2.

P3 PETITION DT 19.9.06 SUBMITTED BEFORE R1.

P4 PETITION DT 22.9.06.

P5 PETITION DT 31.9.06.

P6 LETTER DT NIL ISSUED BY R7.

P7 COMMISSION REPORT DT 3.10.06.

P8 PETITION DT 1.11.06.

P9 JUDGMENT DT 24.8.04 IN WPC.28521/03.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 31078 OF 2006 Y

Dated this the 1st day of December, 2006

J U D G M E N T

While the case of the petitioners is that respondents 5, 6 and 8 are engaged in mining, counsel appearing for them submitted that mining licence is over and they have stopped mining. Further, counsel submitted that mining pits have been filled up. This is controverted by counsel for the petitioners.

In the circumstances, writ petition is disposed of directing the 2nd respondent to conduct enquiry and if any action is called for he will issue notice to the concerned parties and take appropriate action after hearing them. Petitioner will produce a copy of this judgment before the Revenue Divisional Officer for follow up action.

(C.N. RAMACHANDRAN NAIR, JUDGE)

aks